

Introduced by Senator DeSaulnier

February 27, 2009

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8.5 to Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

SCA 16, as introduced, DeSaulnier. Initiatives: indirect initiatives.

The California Constitution provides that the initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. Under the California Constitution, an initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5% in the case of a statute, or 8% in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

The measure would alternatively authorize the electors to propose, and to adopt or reject, statutes and amendments to the Constitution pursuant to a process of initial review by the Legislature. The measure would require that the petition presented to the Secretary of State be certified as signed by electors equal in number to 3% in the case of a statute, or 6% in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election. The measure would require the Secretary of State to transmit that petition to the Legislature within 10 days.

The measure would authorize the Legislature to amend the proposed statute or amendment to the Constitution set forth in the proposed

initiative measure. If a proposed statute, with or without change, is enacted, it would go into effect. If the Legislature approves a proposed amendment to the Constitution, with or without change, the amendment would be submitted to the voters for approval. Alternatively, if, by an unspecified date, the Legislature rejects the initiative measure or has taken no action on the initiative measure, the Secretary of State would be required to submit the original initiative measure to the electors for approval if the Secretary of State is presented with an additional petition signed by an additional number of specified electors equal in number to 2% of the votes for all candidates for Governor at the last gubernatorial election.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 That Section 8.5 is added to Article II thereof, to read:

8 SEC. 8.5. (a) As an alternative to the procedure set forth in
9 Section 8, the electors may propose, and adopt or reject, statutes
10 and amendments to the Constitution pursuant to this section.

11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State, at any time while the Legislature is in session,
13 a petition that sets forth the text of the proposed statute or
14 amendment to the Constitution and is certified to have been signed
15 by electors equal in number to 3 percent in the case of a statute,
16 and 6 percent in the case of an amendment to the Constitution, of
17 the votes for all candidates for Governor at the last gubernatorial
18 election.

19 (c) The Secretary of State shall, when he or she receives a
20 petition described in subdivision (b), transmit that petition to the
21 Legislature within 10 days.

22 (d) (1) The Legislature may amend the proposed statute or
23 amendment to the Constitution set forth in the initiative measure.

24 (2) If the proposed statute, with or without change, is enacted,
25 the statute shall go into effect on the applicable date described in

subdivision (c) or (d) of Section 8 of Article IV. A statute so enacted shall be subject to referendum pursuant to Section 9.

(3) If the Legislature approves the proposed amendment to the Constitution, with or without change, by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, the proposed amendment shall be submitted to the electors for approval at the first statewide election occurring at least ____ days after the Legislature approves the proposed amendment. If the proposed amendment is approved by a majority of votes of the electors, the proposed amendment shall take effect the day after the election unless the measure provides otherwise.

(e) If by ____, the Legislature rejects the initiative measure or has taken no action on the initiative measure, the Secretary of State shall submit the initiative measure to the electors for approval at the first statewide election occurring at least ____ days after the above deadline if the Secretary of State is presented by the sponsors of the initiative with an additional petition that sets forth the original text of the proposed statute or amendment to the Constitution as presented pursuant to subdivision (b) and is certified to have been signed by electors who did not previously sign the petition presented pursuant to that subdivision, equal in number to 2 percent of the votes for all candidates for Governor at the last gubernatorial election.

(f) An initiative measure pursuant to this section embracing more than one subject shall not be submitted to the electors or have any effect.

(g) An initiative measure pursuant to this section shall not include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.

(h) An initiative measure pursuant to this section shall not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.